



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McCracken, John C., et al.
Serial No.: 10/007,137
Filed: 12/03/2001
Title: Adjustable Arch Support Orthosis
Including Variably Tensioned Arch
Curve And Method Of Utilizing Orthosis
Atty Docket No: 26066.02
Examiner: J.M. MOHANDESI
Art Unit: 3728

#8/19
7/3/03
J. Hart

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RESPONSE TO OFFICE ACTION DATED 28 MAY 2003

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following election is in response to the Office Action dated 28 May 2003.
Applicants respectfully extend their appreciation to Examiner Mohandesi for timely review of
the above referenced continuation-in-part Application.

Election/Restrictions

1. The Examiner identified two groups of distinct inventions, namely:
Invention I, Claims 1 - 17, drawn to an arch support orthosis, classified in class 36; and
Invention II, Claims 18 - 19, drawn to a method of treating inflammation in a foot of a user, classified in Class 602.

Applicants McCracken and Greer respectfully elect, with right of traverse, Invention 1 of Group 1, including Claims 1 - 17, drawn to an arch and foot support orthosis.

2. Further, the Examiner identified claims directed to the following patentably distinct species of the claimed invention.

Species I, directed to a foot support orthosis as shown in Figures 1 - 4; and

Species II, directed to a foot support orthosis as shown in Figures 5 - 8.

Applicants McCracken and Greer elect, with right of traverse, for prosecution of the invention of Species I, drawn to an arch support orthosis, reading on Claims 1, 2, 3, 4, 5, 10, 11 and 16, directed to a foot support orthosis illustrated in Figures 1, 2, 3, 4a, and 4b of the three sheets of Substitute Drawings of the Preliminary Amendment submitted March 30, 2002.

It is noted that the Examiner stated that Claims 1 and 10 appear to be generic. It is respectfully suggested that Claim 13 also appears to be generic. Applicants respectfully note that upon allowance of any generic claim(s), Applicants may request reintroduction of the non-elected claims of Species II, Group 1 of Invention 1, in the pending Application for consideration as to allowance.

3. As requested by Examiner Mohandesi in a telephone call on May 27, 2003, a copy of the Office Action entitled Election/Restrictions, date mailed 28 May 2003, has been provided to each inventor of the originally filed claims. A copy is enclosed of a Certified Mail receipt that was signed and dated by the identified addressee/recipient on June 12, 2003. No response was received from the addressee/recipient relating to the currently filed Response. In order to provide a timely response, Applicants McCracken and Greer respectfully request the Examiner to proceed with prosecution of the pending Application as directed herein.

Preliminary amendments to the claims are included herein in order to facilitate the Examiner's examination of the claims.